

**'HEMEL HEMPSTEAD TOWN CENTRE' ARTICLE 4
CONFIRMATION OF ARTICLE 4 DIRECTION MADE 29 JULY 2021**
(Case Officer: Stephen Mendham)

1. Summary

- 1.1. Over recent years Government has widened the scope of changes that can be made from commercial uses to residential without the need for planning permission. In March 2021 Government introduced further legislation allowing the change of use from the new Use Class E to residential. Those changes which came into force on 1 August 2021 allow properties such as shops, gyms, restaurants, nurseries and health centres to be converted to residential use subject to certain conditions.
- 1.2. Specifically the Government laid regulations (the new regulations) on 31 March 2021 to create a new permitted development right (i.e. Class MA) to enable the change of use from Use Class E to residential use, to help support housing delivery and enable more homes to be created in town centres: <https://www.legislation.gov.uk/uksi/2021/428/contents/made>
- 1.3. A principal area of concern is town centres where vacancy rates remain high and the legislation does provide some protection for the Old Town, Berkhamsted, Tring and the villages because the high streets are wholly or predominately within conservation areas. Although this does not mean conversions can be resisted the Council has the ability to consider the proposals through the prior approval process. Hemel Hempstead town centre does not fall within a Conservation Area and therefore does not have the same protection afforded by legislation.
- 1.4. The Council undertook an assessment of the potential impacts of the changes on Hemel Hempstead town centre and concluded that urgent action was necessary to protect Hemel Hempstead town centre. The process for making Directions that do not take immediate effect would require a consultation period and the Direction being made no sooner than 28 days later. Given that the new rights would come into effect on 1 August 2021 it would not be an effective route to prevent possible detrimental changes of use. The only effective route available would be to make a Direction with immediate effect. The Council may make Directions with immediate effect where “the development presents an immediate threat to local amenity or prejudices the proper planning of an area.”
- 1.5. On 29 July 2021, in accordance with the power delegated to the Assistant Director, Planning, Development and Regeneration the Council made an Article 4 Direction with immediate effect (the Direction). This was accompanied with the Council’s Justification Statement for making the Order. The Direction which has been made is attached to this document as Appendix 1.
- 1.6. Legislation requires that an immediate Article 4 Direction is confirmed not earlier than 28 days of publicity of the making of the Direction and within 6 months of that date if it is continue in effect. The Direction therefore requires confirmation by 29 January 2022.
- 1.7. It is recommended that the Council confirm the Direction to ensure the protection it affords to the Article 4 Area will continue in effect beyond 29 January 2022.

2. Permitted development right – change of use from Class E to residential use

2.1. As noted in paragraph 1.2 above the new regulations created a new permitted development right Class MA to enable the change of use from Use Class E to residential use to help support housing delivery and enable more homes to be created in town centres subject to certain provisos (for more detail see paragraph 2.9 of the Justification Statement in Appendix 2 to this document).

2.2. Class E covers the following uses and planning permission is not required for changes of use from one type of Class E use to another:

(a) Shop (except for some small shops outside centres that are in Class F.2)
(b) Food and drink (café or restaurant)
(c) Financial, professional and other appropriate services
(d) Indoor sport, recreation or fitness, not involving motorised vehicles or firearms
(e) Medical or health services, principally to visiting members of the public
(f) Crèche, day nursery or day centre
(g) Offices, research and development and light industry

2.3. Class E does not cover various other uses often found in town centres, such as:

- Pub or drinking establishment
- Hot food takeaway
- Museum, public library
- Cinema, concert hall, bingo hall and dance hall

2.4 The legislation introduced in March 2021 creating the new permitted development right (Class MA) is contained at <https://www.legislation.gov.uk/ukxi/2021/428/contents/made>. There are a number of conditions that need to be satisfied including:

- The building must have been in Commercial, Business and Service use for two years before benefiting from the right.
- Buildings must have been vacant for three continuous months immediately before the date of application for prior approval.
- No more than 1,500 sqm of floorspace in any building may change use.
- Part of the building may change use under the right, including where the lower floors are in Commercial, Business and Service use and the upper floors residential.
- The right will apply in Conservation Areas, but not in other land listed in Article 2(3) of the GDPO, such as National Parks and Areas of Outstanding Natural Beauty.
- The homes delivered are required to meet, as a minimum, the nationally described space standards.
- The right will be subject to prior approval by the local planning authority in respect of a range of planning matters including transport and access, contamination, flood risk, noise, the impact of that change on the character or sustainability of a conservation area, provision of natural light, the impact of the loss of a registered nursery and health centre.

2.5. The revised National Planning Policy Framework (July 2021) includes changes to paragraph 53 on Article 4 Directions, as set out below:

“The use of Article 4 directions to remove national permitted development rights should:

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre*
- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”*

2.6. Although the Government has further relaxed the permitted development regime and the Use Classes Order, as stated above there has been no change in Government policy to protect the vitality and viability of town centres.

3. Assessment of Implications for Hemel Hempstead Town Centre and making of the Direction

3.1. The Council undertook an assessment of the potential impacts of the changes on Hemel Hempstead town centre and concluded that urgent action was necessary to protect Hemel Hempstead town centre. The Justification Statement (see Appendix 2) sets out in detail the matter and evidence taken into account in deciding whether or not further protection for Hemel Hempstead town centre by the making of an Article 4 Direction would be appropriate and necessary to protect the town centre.

3.2. In assessing the geographical extent of any Article 4 Direction it was assessed that only some secondary frontages should be included in an Article 4 Direction. The Council adopted an evidence based approach taking full account of the guidance in paragraph 53 of the NPPF in drawing up the boundary for the proposed Article 4 area.

3.3. As noted in paragraph 1.4 above it was concluded that urgent action was necessary to protect Hemel Hempstead town centre. The process for making Directions that do not take immediate effect would require a consultation period and the Direction being made no sooner than 28 days later. Given that the new rights would come into effect on 1 August 2021 it would not be an effective route to prevent possible detrimental changes of use. The only effective route available would be to make a Direction with immediate effect. The Council may make Directions with immediate effect where “the development presents an immediate threat to local amenity or prejudices the proper planning of an area.”

3.4. On 29 July 2021, in accordance with the power delegated to the Assistant Director, Planning, Development and Regeneration the Council made the Direction with immediate effect. The making of the Direction required a period of consultation and publicity which are detailed in paragraph 4 below.

4. Consultation

4.1. Notification and Publicity

4.1.1. Immediately following the making of the Direction there was a public consultation for the period 29 July 2021 to 29 August 2021. Notice of the making of the Direction was given by:

- Public notice in the Hemel Gazette and St Alban’s Review;
- Site Notices. The statutory procedure for publicity and service of notices for the making and the subsequent confirmation of the Direction provides that the Council need not serve on an owner or occupier of land within the designated area if it considers that “the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.”¹ Given the very high numbers of owners and occupiers within the proposed Article 4 Area and, as permitted by statutory regulations, notification was given by the public notices in the press and the site notices referred to above;
- Information on the Council’s website; and
- In accordance with the statutory requirements notification of the making of the Direction was also given to the Secretary of State and Hertfordshire County Council together with a copy of the Justification Statement (attached as Appendix 2).

4.2. Responses Received

In total 5 responses were received to the consultation and notifications. No response has been received from Hertfordshire County Council. The responses received are outlined below.

4.2..1. Secretary of State

The Secretary of State acknowledged receipt of the notification of the making of the Direction and Justification Statement by email dated 9 September 2021 enclosing letter dated 8 September 2021 and inviting further information in support of the making of the Direction if felt appropriate. Officers consider that the Justification Statement provides the necessary evidence in support of the Direction and on 16 September 2021 advised the Secretary of State accordingly. No further communication has been received from the Secretary of State.

4.2..2. Other Responses

Four other responses were received (all by email) as summarised below:

Respondent	Summary	Officer Comment
Denis Young	I think it would be a terrible idea to add more housing to this area.	Comments by Respondent noted. Not on the precise point of the Direction being made but taken as

¹ Paragraph 2(b) of Schedule 3 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

	<p>The town centre and shopping facilities in Hemel are already poor and by adding more residential homes it will overshadow the whole area.</p> <p>We have far too many new houses being built without the facilities to function. No hospital and a shortage of schools and other facilities. The roads are already far too overcrowded and parking is a real issue in most streets in Hemel Hempstead.</p> <p>It will be a blight on our town centre.</p>	being generally supportive of the principle of the Direction.
Janice Marshall	I absolutely support the Council in the making of an Article 4 direction in respect of any proposals to change the commercial use to domestic use in respect of the area outlined in Hemel Hempstead town. Unfettered change of use without planning permission will result in ill-thought out and chaotic development.	Support for the Direction noted.
Mrs M Cornish	I totally support Article 4 direction, whilst residential properties are needed, there should be a line drawn between meeting that need as well as commercial/business properties at the same time. A town centre shouldn't become a housing estate, it will lose business and its appeal at the same time.	Support for the Direction noted.
David Woodley	I do not consider having empty commercial premises in the town centre has a positive impact on the area	Taken as objecting to the Direction. It is considered that there is clear justification for the Direction designating the Article 4 Area

- Mr Woodley's response is the sole objection received to the Direction.

The primary driver for the making of the Direction is to control changes of use to housing in Dacorum's most important retail area. The Council has set out its reasoning for the Article 4 within the Justification Statement (see Appendix 2).

The Direction, if confirmed, will continue to provide that protection beyond 29 January 2022. The Direction does not place an absolute prohibition on change of use, as applications for change of use may still be made, and assessed, as part of the Council's adopted Local Plan and other material planning considerations.

5. Potential for Compensation

5.1. National Policy states that if a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order

5.2. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Further, legislation limits the right to compensation to a period of 12 months running from when the Direction took effect.

6. Recommendation and Confirmation of the Article 4 Direction

6.1. In deciding whether to confirm the Direction the Council must take into account any representations received during the consultation period. The Council must not confirm the Direction until after the expiration of:

- (1) a period of at least 28 days following the latest date on which any notice relating to the Direction was served or published; or
- (2) such longer period as may be specified by the Secretary of State.

The period in (1) above expired by 25 August 2021 and the Secretary of State has not specified any longer period. The Council may therefore now confirm the Direction if it considers it appropriate to do so.

6.2. The Secretary of State may cancel or modify an Article 4 Direction at any time before or after it is confirmed. No indication has been given that the Secretary of State intends to cancel or modify the Direction which has been made.

6.3. If the Direction is confirmed then as soon as practicable after the confirmation of the Direction the Council must give notice of that confirmation in very similar manner to the

notice given upon the making of the Direction, namely:

- Public notice in the Hemel Gazette and St Alban's Review
- Site Notices
- Copies of the confirmed Direction sent to the Secretary of State (and although not strictly required, a copy will also be sent to Hertfordshire County Council)
- Information on the Council's website

6.4. The responses received have been considered and the position remains the same since the making of the Direction.

6.5. It is considered that there is clear justification for designating the Article 4 Area. The Direction will require planning applications to be made in the Article 4 Area for change of use from Class E to residential use C3. Following analysis of the responses received to the consultation Members are recommended to confirm the Direction.

7. Recommendation

7.1. It is recommended that the Council confirm the Direction to ensure the protection it affords to the Article 4 Area will continue in effect beyond 29 January 2022.

APPENDIX 1
ARTICLE 4 DIRECTION



TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 AS AMENDED

DIRECTION MADE UNDER ARTICLE 4(1)

**TO WHICH PARAGRAPH 2(1)(a) OF SCHEDULE 3 OF THE ORDER APPLIES
(DIRECTION WITH IMMEDIATE EFFECT)**

WHEREAS Dacorum Borough Council ("the Council") being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ("the Order"), is satisfied that it is expedient and consider that development of the description(s) set out in Schedule 1 below should not be carried out on the land described in Schedule 2 below and shown edged and hatched in red (for identification purposes only) on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on it by Article 4(1) of the Order, HEREBY DIRECTS that the permission granted by Article 3 of the said Order shall not apply to development of the description(s) set out in the Schedule 1 below in respect of the land described in Schedule 2 below and shown edged and hatched in red (for identification purposes only) on the attached plan.

THIS DIRECTION is made under Article 4(1) of the Order and, in accordance with paragraph 2(6) of Schedule 3 of the Order shall remain in force until 28 January 2022 (being six months from the date of this Direction) and shall expire unless it has been confirmed by the Council in accordance with paragraphs 1(9) and (10) of Schedule 3 of the Order before the end of the six month period.

SCHEDULE 1

In respect of land described in Schedule 2

The development referred to in Schedule 2 Part 3 Class MA to the said Order not being development comprised within any other class that is to say:

Article 4 Direction (land at Hemel Hempstead Town Centre)

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Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

SCHEDULE 2

Land and properties at Market Square, Bridge Street, Marlowes, The Marlowes Shopping Centre and Riverside Shopping Centre all being in Hemel Hempstead town centre as shown edged and hatched in red on the attached plan (for identification purposes only).

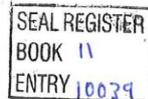
THIS DIRECTION was made this Twenty ninth day of July 2021

Made under the Common Seal of
Dacorum Borough Council of
The Forum Marlowes Hemel Hempstead
Hertfordshire HP1 1DN as affixed to this
Direction in the presence of:

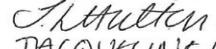


Authorised Signatory


FARIDA HUSSAIN
Group Manager
Legal and Corporate Services



Authorised Signatory


JACQUELINE HUTTON
Legal Governance Team Leader.

THIS DIRECTION was confirmed in accordance with sub-paragraphs (9) and (10) of paragraph 1 to Schedule 3 of the Order

this day of 2021

Under the Common Seal of
Dacorum Borough Council of
The Forum Marlowes Hemel Hempstead
Hertfordshire HP1 1DN as affixed to this
Direction in the presence of:

Authorised Signatory

Authorised Signatory



APPENDIX 2
JUSTIFICATION STATEMENT



ARTICLE 4 AREA FOR PROTECTING THE VITALITY AND VIABILITY OF HEMEL HEMPSTEAD TOWN CENTRE

JUSTIFICATION STATEMENT

JULY 2021

1. Introduction

- 1.1 Recent changes in planning rules mean that a range of commercial premises could be converted to residential use without the need for planning permission.
- 1.2 The Council considers that these changes would be prejudicial to the proper planning of the area and would constitute a threat to the amenities of Hemel Hempstead town centre by potentially harming the town centre's ability to attract and retain businesses and jobs, and might reduce the level of services for Dacorum's residents, workers and visitors. Consequently, the vitality and viability of Hemel Hempstead town centre could be adversely affected.
- 1.3 Therefore, the Council has made an Article 4 Direction covering part of the town centre. This will require any changes of use from Use Class E (commercial, business and service use) to residential to obtain planning permission. The Direction was made by the Council on 29 July 2021 and has immediate effect.
- 1.4 The Council is inviting representations on the Article 4 Direction between 29 July and 29 August 2021. Subject to the consideration of any responses received, the Direction will be confirmed by the Council within six months of the date of the initial notice.
- 1.5 This Justification Statement explains why the Council considers that the Article 4 Direction is necessary and why it has been introduced with immediate effect.

2. Government deregulation of planning to encourage more housing

- 2.1 In recent years, the Government has introduced significant deregulation of planning, to encourage the creation of new housing. The position is summarised below:

Permitted development rights for changes of use from employment uses to housing (2013)

- 2.2 In 2013, the Government introduced permitted development rights under the General Permitted Development Order (GPDO). This meant that planning permission was granted for changes of use to housing from offices and some light industrial and warehousing buildings, subject only to 'prior approval' of some detailed matters.
- 2.3 Prior approval could not be refused on the grounds that the loss of employment floorspace would be contrary to the Council's planning policies. Also, the Council was

unable to require any affordable housing or other section 106 contributions on prior approval schemes.

Use Classes Order changes (July 2020)

- 2.4 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 made significant changes to the Use Classes Order, which came into force on 1 September 2020:

<https://www.legislation.gov.uk/uksi/2020/757/made>

- 2.5 These changes allow far greater flexibility to change uses within town centres and employment areas without the need to obtain planning permission. The most significant change was the introduction of Use Class E (commercial, business and service).
- 2.6 Class E covers the following uses and planning permission is not required for changes of use from one type of Class E use to another:

(a) Shop (except for some small shops outside centres that are in Class F.2)
(b) Food and drink (café or restaurant)
(c) Financial, professional and other appropriate services
(d) Indoor sport, recreation or fitness, not involving motorised vehicles or firearms
(e) Medical or health services, principally to visiting members of the public
(f) Crèche, day nursery or day centre
(g) Offices, research and development and light industry

- 2.7 However, Class E does not cover various other uses often found in town centres, such as:
- Pub or drinking establishment
 - Hot food takeaway
 - Museum, public library
 - Cinema, concert hall, bingo hall and dance hall

Permitted development right – change of use from Class E to residential (March 2021)

- 2.8 The Government laid regulations on 31 March 2021 to create a new permitted development right (i.e. Class MA) to enable the change of use from Use Class E to residential use, to help support housing delivery and enable more homes to be created in town centres:

<https://www.legislation.gov.uk/uksi/2021/428/contents/made>

- 2.9 The regulations came into force on 21 April 2021 but applications for prior approval under Class MA cannot be made until 1 August 2021. Where there are existing Article 4 directions in respect of office to residential rights, these will continue to apply until 31 July 2022. The Class MA right will allow the change of use from any use Class C3 use to housing, subject to certain provisos including:
- The building must have been in commercial, business and service use for two years before benefiting from the right.

- Buildings must be vacant for three continuous months immediately before the date of application for prior approval.
 - No more than 1,500 sqm of floorspace in any building may change use.
 - Part of the building may change use, including where the lower floors are in commercial, business and service use and the upper floors residential.
- 2.10 The right will be subject to prior approval by the local planning authority in respect of a range of planning matters.

Revised National Planning Policy Framework (July 2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPPF_JULY_2021.pdf

- 2.11 The revised National Planning Policy Framework (NPPF) includes changes to paragraph 53 on Article 4 Directions, as set out below:

“The use of Article 4 directions to remove national permitted development rights should:

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre*
- *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”*

3. The Government’s planning policies on town centres

- 3.1 Although the Government has further relaxed the permitted development regime and Use Classes Order, as stated in section 2 above, there has been no change in Government policy to protect the vitality and viability of town centres.

National Planning Policy Framework (July 2021)

- 3.2 Paragraph 86 in the revised NPPF includes the following guidance:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;...and

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”

3.3 In Annex 2 (Glossary), the NPPF defines the terms ‘main town centre uses’ and ‘town centres’ as follows:

“Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Town centre: Area defined on the local authority’s policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.”

Planning Practice Guidance on ‘Town centres and retail’ (September 2020)

<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>

3.4 The Planning Practice Guidance (PPG) on ‘Town centres and retail’ supplements the guidance in the NPPF. Paragraphs 001-006 in the PPG are concerned with planning for town centre vitality and viability. In particular, paragraph 001 makes the following points in addition to the guidance in the NPPF:

- A wide range of complementary uses in town centres and evening and night time activities can help support the vitality of town centres.
- Evening and night time activities have the potential to increase economic activity within town centres and provide additional employment opportunities.

4. Dacorum’s adopted planning policies on town centres and retail

4.1 The Council’s adopted planning policies in the Core Strategy and Site Allocations document give great importance to promoting the vitality and viability of the Borough’s town centres, including Hemel Hempstead which is the principal centre. Further relevant guidance is contained in the Hemel Hempstead Town Centre Masterplan Supplementary Planning Document.

4.2 Key points are shown below and a fuller summary can be found in Appendix 1:

- Hemel Hempstead will be the main destination for comparison goods shopping, leisure, entertainment and civic and cultural activities.
- The retail hierarchy classifies Hemel Hempstead town centre as Dacorum’s only principal town centre.

- The vision for the Marlowes Shopping Zone in the Town Centre Masterplan envisages this area as being:

“A lively, busy, vibrant shopping area in the heart of Hemel Hempstead offering a fresh modern environment in which people will be able to shop, eat, drink and meet in, together with housing and business development opportunities.”
- Hemel Hempstead town centre contains a key shopping area which comprises primary and secondary frontages, as shown on the Policies Map.
- Within primary frontages, shops, restaurants, cafes and assembly and leisure uses will be permitted at ground floor level.
- Within secondary frontages, the same uses will be permitted at ground floor level as in primary frontages, plus financial and professional services, drinking establishments, hot food takeaways and non-residential institutions.

5. **Evidence base for the new Dacorum Local Plan**

The 2018 and 2020 studies

- 5.1 The main evidence base on retail and town centres for the emerging new Dacorum Local Plan consists of two studies produced by Nexus Planning:
- **South West Hertfordshire Retail and Leisure Study (2018):** this joint study provided Dacorum, Hertsmere, St Albans, Three Rivers and Watford councils with an understanding of existing retail and leisure provision, and an objective assessment of future needs and possible strategic responses.
https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-retail-and-leisure-study---september-2018.pdf?sfvrsn=1ad00c9e_4
 - **Further Dacorum Retail Study (2020):** this study updated the retail aspects of the 2018 study to take account of changed circumstances, including greater clarity on the scale and location of future housing development and revised forecasts of future retail expenditure. It also provided advice on potential sites for retail development.
https://www.dacorum.gov.uk/docs/default-source/strategic-planning/further-dacorum-retail-study---june-2020.pdf?sfvrsn=4bd20c9e_4
- 5.2 Appendix B to the 2018 study includes the April 2018 Goad Map for Hemel Hempstead town centre. This map is very useful as it shows the distribution of land uses at ground floor level in Hemel Hempstead town centre:
https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-retail-and-leisure-study---appendices-a-and-b.pdf?sfvrsn=47d00c9e_4
- 5.3 The main relevant points arising from the 2018 and 2020 studies are summarised below:
- A health check showed that Hemel Hempstead town centre performed well against most indicators. See Appendix C to the 2018 study:
https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-retail-and-leisure-study---appendices-c-and-d.pdf?sfvrsn=b7d30c9e_4

- Watford, Hemel Hempstead and St Albans were the largest centres in South West Hertfordshire and the major comparison retail centres.
- The 2018 study recommended a revised hierarchy, based on the characteristics associated with different tiers in the hierarchy. It identified Hemel Hempstead as a sub-regional centre.
- The floorspace capacity calculations in the 2020 study indicated a substantial headroom for additional convenience floorspace by 2036, but no capacity for additional comparison (non-food) floorspace.
- In Hemel Hempstead town centre, the Market Square site is the most suitable location for retail development. It should be considered for mixed use retail/leisure development (large convenience store or smaller comparison units and convenience store).
- The 2018 study considered leisure uses (i.e. Indoor sports and health and fitness; cinemas; restaurants; bars, pubs, social clubs and nightclubs; ten pin bowling; bingo; theatres, galleries and museums). Existing provision plus commitments were sufficient to meet most of the identified future needs, so no specific new land allocations were required. Nevertheless, additional facilities should be permitted in sustainable locations. Also, the loss of existing facilities should be resisted, if it would reduce choice in a sector with long-term demand.
- For Hemel Hempstead town centre, the 2018 study defined recommended town and primary shopping area boundaries, and primary and secondary frontages. See Appendix F to the 2018 study:

https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-retail-and-leisure-study---appendices-f-to-j.pdf?sfvrsn=7d30c9e_4

- The 2018 study reviewed current retail and town centre policies in South West Hertfordshire, including frontage policies. It assessed whether they were fit for purpose under the current planning policy regime and in the context of the study's recommendations.

5.4 It is worth highlighting three points from the health check of Hemel Hempstead town centre in the 2018 study:

Convenience and comparison goods: The under-representation of convenience stores in Hemel Hempstead town centre reflects the strong presence of out of centre food stores

Services: Representation of leisure services (22.3%) is below the UK average of 23.9%. Currently there is a stronger leisure offer in Hemel Old Town which offers a range of restaurants and popular public houses. In comparison, the leisure offer at Hemel Hempstead New Town consists mainly of takeaways and cafes reflecting the limited night time economy.

Pedestrian flows: The highest pedestrian flows were witnessed along the pedestrianised primary shopping area along the Marlowes.

5.5 The 2020 study stated that Covid-19 situation will have consequences which will not be fully understood for some time. Some re-basing of consumer spending patterns was likely, but accurate forecasts were not yet possible. Therefore, the study advised

the Council to closely monitor and regularly update the position on capacity, need and strategy.

Retail and Town Centres Topic Paper

5.6 In November 2020, the Council published the Retail and Town Centres Topic Paper:

https://www.dacorum.gov.uk/docs/default-source/strategic-planning/topic-paper---retail-and-town-centres---november-2020.pdf?sfvrsn=4ef90c9e_4

It was one of the supporting statements to the Local Plan Emerging Strategy for Growth consultation document (see section 6 below).

5.7 The topic paper provides a summary of how the retail and town centres policies and preferred proposals for the Local Plan consultation document have emerged and what has influenced them. It explains what the Draft Plan took into account in developing the approach and how it has narrowed down reasonable policy options, identified Plan allocations, and highlighted changes to the Policies Map in terms of its:

- evidence base;
- feedback from the 2017 Issues and Options consultation; and
- ongoing engagement with key stakeholders and meeting its obligations under the Duty to Co-operate.

5.8 Section 6 in the topic paper examined a number of key issues. Those issues relevant to this justification statement are set out below, together with a summary of the conclusions reached.

Issue 1: How should the hierarchy of centres be defined?

Conclusion: The hierarchy of centres in the new Local Plan should be as recommended in the 2018 study, except for Apsley.

Issue 2: What is the capacity for additional retail floorspace in Dacorum?

Conclusion: There is:

- A substantial need for additional convenience floorspace and the Council should concentrate on meeting the main identified needs in our town centres and strategic housing sites.
- No quantitative need for additional comparison floorspace, but appropriate schemes should be encouraged mainly in the town centres.
- Uncertainty about the capacity forecasts, so the Council will seek further advice from the retail study consultants before publishing the Local Plan.

Issue 3: Which sites should be proposed for retail development in the Local Plan?

Conclusion: In Hemel Hempstead town centre, Market Square should be proposed for retail led mixed use development including a supermarket or local convenience store and other town centre uses at ground floor level.

Issue 5: Should the Local Plan propose any additional leisure uses?

Conclusion: The Council accepts the recommendations in the 2018 study, so the Emerging Local Plan encourages leisure uses in appropriate places. This includes encouraging main town centre uses and supporting the evening economy in the town centres.

Issue 6: What boundaries should be defined in Dacorum's centres?

Conclusion: The Council agrees with the boundaries recommended for Hemel Hempstead town centre in the 2018 study, subject to some fine tuning of the boundaries to ensure that they follow landownership boundaries.

Issue 7: Should the Local Plan include any primary and secondary frontages?

Conclusion: In view of the changes to the Use Classes Order, the Local Plan Emerging Strategy for Growth consultation document does not include any primary and secondary frontages in the town centres.

Issue 8: What mix of uses is appropriate in town, district, local and neighbourhood centres?

Conclusion: The nature of centres is changing and they will contain a wider range of non-shop uses than in the past. In particular, there will be more emphasis on food and drink and leisure uses, and a growing evening economy. However, shopping will remain very important, especially in the primary shopping areas. Therefore, Policy DM19 (mix of uses in town, district and local centres) in the Emerging Local Plan encourages a wide range of 'main town centre' uses. This is important in order to protect the vitality and viability of Dacorum's key centres.

6. Emerging new Local Plan

6.1 The Council is preparing a new single Local Plan for Dacorum. The Local Plan Emerging Strategy for Growth consultation document was published in November 2020.

6.2 With regard to the draft retail and town centres policies in the consultation document are based on the advice in the South West Hertfordshire Retail and Leisure Study and the Further Dacorum Retail Study, and the analysis in the Retail and Town Centres Topic Paper (see section 5 above).

6.3 Aspects of the Emerging Strategy particularly relevant to this justification statement are noted below:

- A high level of housing growth is proposed in Hemel Hempstead (over 10,600 homes 2020-2038, plus a further 4,000 homes at North Hemel Hempstead beyond the Plan period). This increases the need to promote the vitality and viability of the town centre.

- Hemel Hempstead is shown in the hierarchy of centres as Dacorum's only sub-regional centre. The role of the centre is to act as the:

"Main destination for comparison and convenience goods shopping, services such as banks, leisure and cultural activities."

- The town centre and primary shopping areas boundaries are shown on the Policies Map and follow the advice in the South West Hertfordshire Retail and Leisure Study.

- Retail development will be concentrated mainly in the primary shopping areas.
 - At ground floor level in primary shopping areas the following uses will be permitted:
 - i. Shops, financial and professional services, cafes and restaurants, gyms, but not other Class E uses.
 - ii. Bars and pubs, hot food takeaways.
- 6.4 On 27 July 2021, the Council's Cabinet considered a report, which summarised the main issues raised in the consultation on the Emerging Strategy and put forward recommendations on the next steps for the Local Plan:
- <https://democracy.dacorum.gov.uk/documents/s29893/Dacorum%20Borough%20Local%20Plan%20Cabinet%20Report.pdf>
- 6.5 The following points in the report to Cabinet are particularly worth noting:
- Paragraphs 4.15-4.19 mention the changes to the Use Classes Order and permitted development rights, and the need to consider the implications.
 - Paragraph 5.22 advises that officers will review Hemel Hempstead's role in the settlement hierarchy and consider whether it is appropriate for the town to be elevated further as a major growth centre for Dacorum.
 - Paragraphs 7.3-7.5 refer to the proposed Hemel Place Strategy, which will look at the long-term strategy to deal with the future development and transformation of Hemel Hempstead. This will include a comprehensive strategy for the physical, economic, social and environmental development of the town centre. It is important that the Place Strategy is fully embedded in the Local Plan.
 - Paragraph 9.2 sets out the next steps for the Local Plan, but a revised timetable has not yet been drawn up.
- 6.6 Cabinet agreed to defer the publication of the Local Plan (under Regulation 19) and to undertake further work on the Local Plan as set out in section 9 of the officer report.
- 7. Other relevant considerations**
- The future of towns and cities post COVID-19 (KPMG, January 2021)**
- <https://assets.kpmg/content/dam/kpmg/uk/pdf/2021/01/the-future-of-towns-and-cities-post-covid-19-how-will-covid-19-transform-england-s-town-and-city-centres.pdf>
- 7.1 In this report, KPMG looked at the impact of the Covid-19 pandemic on towns and cities in England. They also considered what needs to change, if town centres are to continue to be vibrant places to live, work and visit.
- 7.2 The section in the report on 'loss of commuter footfall' makes some important points:
- The big revelation of the pandemic has been how effectively many people can work from home.
 - Post-Covid we are unlikely to see a return to old commuting habits, with a significant proportion of those able to work from home doing so for at least part of the week.

- The fall in commuter numbers is not expected to be uniform across England, with some towns and cities potentially more exposed than others. According to KPMG's analysis, the loss of commuter flow could range from over a tenth to under a third of commuter footfall pre-Covid, with Hemel Hempstead and Bracknell set to see up to 27.4% of office work performed from home.

7.3 Under 'High streets without retail', the report states that:

- Covid has accelerated a trend to online retail that was already in train.
- High streets could lose between 20-40% of their retail offerings as a result of the accelerated shift to online commerce (the estimated loss at Hemel Hempstead is 31%).
- The remaining space on the high street could be converted to social and recreation use, catering for the needs of the local population. Some towns and cities already have a strong cultural and recreation offering but others could increase the offer to ensure they remain attractive as a location to live and visit.
- Retail will never again represent the same size in terms of space on the high street. Therefore, high streets have to become multi-purpose locations. The answer has to be a variety of use cases, such as residential, education, healthcare, cultural, technology, community and purpose-focussed retail and hospitality to name some.

7.4 The 'Assets to attract visitors' section advises that:

"Locations will need to offer more to attract both companies and people to their area. Those that succeed will be likely to have a range of cultural assets as well as easy access to green space, which will serve to boost the quality of living in the area. We looked at existing offering across three categories: sports facilities; culture and recreation assets (ranging from amusement parks to museums and performing arts venues); and hospitality venues (including restaurants, cafe, pubs and bars)."

Hemel Hempstead was given below average scores in all three categories.

7.5 In the 'Bringing it all together' section, the report states that:

"Combining the impact of home working and loss of retail outlets with the strength of current cultural assets, we calculated an index of vulnerability for towns and cities in England."

Hemel Hempstead is ranked as the second most vulnerable of the 82 centres assessed.

Report of Housing, Communities and Local Government Committee on Permitted Development Rights (July 2021)

<https://publications.parliament.uk/pa/cm5802/cmselect/cmcomloc/32/3202.htm>

7.6 This report looks at recent permitted development changes, including the potential impact of Class MA on town centres. The report raises concerns about Class MA, with the Summary section of the report stating that:

"The Government says the new class MA right will boost footfall, by increasing the number of people living in town centres, and so revitalise local economies. We acknowledge there may be merit in converting upper floors, but we are

concerned about the potential loss of ground-floor retail premises. As currently drafted, the new right will apply to all use class E premises that have been vacant for three months. We fear this is not long enough to prevent viable business from being evicted by landlords seeking a profit from residential conversions and that this resulting loss of businesses could instead have a negative impact on footfall.

We recommend the Government either extend the vacancy period or devise a test that can be applied to properties to make sure they are not still viable as commercial premises. We also recommend it amend the prior approval process for the class MA right so that councils, in deciding whether to approve development, can consider the impact of a loss of ground-floor commercial, business and service uses on the sustainability of a town centre or high street. Currently, this protection only applies in conservation areas.

Footfall in Hemel Hempstead town centre

- 7.7 RHSS carries out monthly surveys of footfall in Hemel Hempstead town centre. Appendix 2 shows the figures for 2019-2021. These figures are the totals from six locations in Hemel Hempstead town centre.
- 7.8 It can be seen from Appendix 2 that footfall declined sharply in spring 2020 due to the first Covid-19 lockdown, but has recovered strongly and in May and June 2021 was above the 2019 levels. This may be an indication of the importance of Hemel Hempstead town centre in meeting the needs of local residents.
- 7.9 For Hemel Hempstead town centre specifically between January 2019 and January 2021 footfall dropped by 58%, the largest reduction of our three main towns. It is recognised that Covid-19 is likely to have been the main contributing factor for this and footfall has rebounded more recently. However, footfall is still below January 2019 figures. What is also interesting in the data is that absolute footfall in Hemel Hempstead is similar to our third largest town, Tring, and more than half of that of Berkhamsted. Hemel Hempstead has a population of c.104,000 people compared to Berkhamsted (c.23,000) and Tring (12,000) and is considered to be our principal town with the greatest town centre offer. When seen in this context the footfall levels are of concern to the Council.

8. Office to residential prior approval schemes in Hemel Hempstead town centre

- 8.1 The Council's monitoring information shows that between 2014 and 2020, there was a loss of over 28,200 sqm of office floorspace in Dacorum through office to residential prior approval schemes. Most of this loss (20,000 sqm) was in the town centres, including 18,700 sqm in Hemel Hempstead town centre.
- 8.2 Permitted but not started prior approval schemes for change of use from offices to housing at 1 April 2020 involve the loss of a further 21,700 sqm of office floorspace.
- 8.3 In total, completed and permitted prior approval schemes (if implemented) will result in the loss of nearly 50,000 sqm of office floorspace. This is a major factor in Dacorum's employment land supply. Using Homes England's guidance on office employment densities (1 worker per 14.4 sqm gross external area), this represents enough space for around 3,500-4,000 office jobs.
- 8.4 Completed and permitted losses in Hemel Hempstead town centre amount to 25,500 sqm, causing a significant decline in the town centre's role as an office centre. This constitutes 51% of all such losses in Dacorum.

8.5 The Council is concerned about the impact that this is having on retaining existing businesses and jobs, attracting new businesses and jobs, and providing services locally for Dacorum's residents, workers and visitors.

8.6 Despite the above, the Council recognises that there are benefits from the new homes created through prior approval schemes. In Hemel Hempstead town centre alone, completed and permitted prior approval schemes involve over 400 homes.

9. Potential impact of Class MA in Hemel Hempstead town centre

9.1 In the recent KPMG report (see paragraphs 7.1-7.5 above), Hemel Hempstead was identified as a town centre that post was particularly vulnerable post Covid-19. This arises from an estimated loss of commuter footfall and fall in retail floorspace, and below average assets to attract visitors. In fact, Hemel Hempstead was ranked as the second most vulnerable centre behind Bracknell.

9.2 There are many buildings and self-contained units in Hemel Hempstead town centre that fall entirely under the 1,500 sqm threshold and others where part of the unit could be converted to residential.

9.3 However, there are provisos to the Class MA right (see paragraph 2.9 above) and all habitable rooms in homes resulting from Class MA must have adequate natural light. There are numerous properties where habitable rooms with adequate natural light could be provided, principally on the main frontages. This could have seriously harm the vitality and viability of Hemel Hempstead town centre.

9.4 Appendix 4 contains a variety of local data covering commercial trends, leases and vacancy rates as compiled in the Dacorum Economic Dashboard². By analysing this data it is possible to draw out a number of important local patterns.

9.5 Over the period 2015 – 2019 there have been some substantial reductions in retailing in the town centre with some areas of retailing decreasing by 33% and 44% respectively. Although there has been growth in some areas the trends is one of stagnation and decline.

9.6 Data also shows year on year reductions in the number of office and retail deals in Hemel Hempstead, a trend continuing into 2021. The data available on commercial lease deals over the period also indicates limited interest in take up since 2019.

9.7 Data from Sqwyre 2021 also points to a high level of vacancies across the Town Centre, with some areas being as high as 25%.

10. Conclusions on whether an Article 4 area is needed in Hemel Hempstead town centre

10.1 The Council recognises that the revised NPPF paragraph 53 sets a high bar for justifying Article 4 directions. However, the analysis in sections 1-9 of this justification statement demonstrates a strong case for concluding that the Class MA right could have wholly unacceptable adverse impacts on the essential core of Hemel Hempstead town centre's primary shopping area, which would seriously undermine its vitality and viability. Therefore, the Council considers that the designation of an

2

<https://app.powerbi.com/view?r=eyJrjoiOTkzYWRhNTYtNTUzMy00YTBlTg5ODgtNDNkM2EyZjdINWMyliwidCI6IjUxYmZkZmVhLWRmZjktNDk5OS1hYmY1LTY1YTc2ODI3NjllZi9&pageName=ReportSection57ffcfa135a2b82ee5>

Article 4 area to control changes of use from Class E to housing in a geographically limited area is justified.

10.2 The main reasons why the Council has reached this conclusion are set out below:

- Although the Government has expanded the use of permitted development rights to allow greater freedoms to convert commercial properties to residential, there has been no change in Government policy to protect the vitality and viability of town centres.
- NPPF paragraph 86 advises that planning policies should allow a suitable mix of uses (including housing), but this paragraph also indicates that residential development should be located on 'appropriate sites'. The Council has an excellent track record of securing new housing in Hemel Hempstead town centre, both from prior approval changes of use from offices and from other schemes. Our intention is to redouble our efforts to increase housing in the town centre in the future. However, we do not regard locations on ground floor frontages in the heart of the primary shopping area as appropriate sites.
- The Council's adopted planning policies give great importance to promoting the vitality and viability of the Borough's town centres, including Hemel Hempstead which is the principal centre. The loss of units in the essential core of the primary shopping area would clearly be contrary to these policies.
- The evidence base for the new Dacorum Local Plan identified Hemel Hempstead town centre as one of the largest centres in South West Hertfordshire and recommended that the centre be classified as a sub-regional centre. Also, the evidence base defined the town centre's primary shopping area, within which retail development should be concentrated. It is important that the town centre's role is protected and enhanced, not undermined by the loss of important units to housing in the heart of the centre.
- The evidence base referred to some weaknesses in the town centre's offer, in particular, an under-representation of convenience stores and a weak leisure offer consisting mainly of takeaways and cafes, reflecting the limited night time economy. Any decline in comparison shopping in the town centre should be seen as an opportunity to address the existing weaknesses and not a reason to allow housing in inappropriate locations. The case for this approach is reinforced by the fact that the 2020 retail study indicated a substantial headroom for additional convenience floorspace.
- Data on footfall collected over the last 24 months shows that footfall in Hemel Hempstead town centre has declined. Moreover, absolute numbers visiting Hemel Hempstead are broadly inline with Tring (a town with a population of 12,000) which is the third largest town in the Borough. Footfall in Hemel is more than half of Berkhamsted (a population of 23,000 people). Given the size of Hemel Hempstead (population 104,000), and the town's role as a key centre, the relatively low footfall in the Town Centre is a concern.
- As stated in the 2020 retail study, Covid-19 will have consequences which will not be fully understood for some time. Therefore, the study advised the Council to closely monitor and regularly update the position on capacity, need and strategy. The Council will commission an update of the evidence base before the next stage on the Local Plan. In the interim, the Council considers

that it would be inappropriate to allow housing in the key town centre frontages.

- The new Local Plan is likely to propose major growth at Hemel Hempstead, resulting in a substantial need for a wide range of services and facilities in the town centre. The Emerging Local Plan proposed over 10,600 homes in the town 2020-2038 and an additional 4,000 homes at North Hemel Hempstead beyond the Plan period. In addition, the withdrawn submitted St Albans Local Plan proposed 5,500 homes at East and North Hemel Hempstead. Moreover, Dacorum Borough Council is reviewing Hemel Hempstead's role in the settlement hierarchy and considering if the town should be elevated further as a major growth centre for Dacorum. This work will include a comprehensive strategy for the town centre.
- The Council appreciates that the nature of centres is changing and they will contain a wider range of non-shop uses than in the past. In particular, there will be more emphasis on food and drink and leisure uses, and a growing evening economy. However, shopping will remain very important, especially in the primary shopping areas. Ensuring these uses are protected will be important in order for protecting the vitality and viability of Dacorum's key centres.
- 'The Future of Towns and Cities Post COVID-19' report (KPMG, January 2021) ranked Hemel Hempstead as the second most vulnerable of the 82 centres assessed. This underlines the importance of the Council's work to promote the vitality and viability of the town centre, to increase the centre's resilience.
- The report of the Housing, Communities and Local Government Committee on Permitted Development Rights (July 2021) expressed concern that the Class MA right will result in viable businesses being evicted by landlords seeking a profit from residential conversions and that the loss of businesses could have a negative impact on footfall. The Council endorses the Committee's concerns.
- Hemel Hempstead town centre has been experiencing a substantial loss of office floorspace from changes of use to housing through prior approval schemes. This has caused a significant decline in the town centre's role as an office centre. The Council is concerned that the Class MA right might have a similar adverse impact on the town centre's role in relation to shopping and other main town centre uses.

10.3 It is also necessary for the Council to decide whether the Article 4 direction should come into force immediately, or after a 12 months' notice period. The Council is aware that it may be exposed to compensation claims in certain circumstances, but the Council considers that the potential for irreversible harm to the town centre is sufficiently great as to justify the direction being put in place immediately.

11. Boundary of Article 4 area

11.1 Having concluded that it is necessary to introduce an Article 4 area in Hemel Hempstead town centre, a decision must also be taken on the extent of the area to be designated.

11.2 Paragraph 53 in the NPPF states that such areas should:

- be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre
 - apply to the smallest geographical area possible.
- 11.3 Given the guidance in the NPPF, the Council considers that the Article 4 area should exclude all of the town centre outside the proposed primary shopping area (click on link in penultimate bullet in paragraph 5.3 above for map showing this area). There are a considerable number of shops outside the primary shopping area, particularly at the northern end of Marlowes, but the inclusion of them would not be consistent with the NPPF.
- 11.4 Therefore, the focus should be on the primary shopping area in order to decide if all or just certain parts of it should be included in the Article 4 area. The Council considers that there is an over-riding case to include all the primary frontages recommended in the 2018 Retail and Leisure Study (follow the same link as in paragraph 11.3 to view these frontages). Although the Council is not proposing to define primary frontages in the new Local Plan, because of the new Use Class E, it remains the case that the primary frontages identified in the 2018 study are the most important frontages in the town centre.
- 11.5 The table below considers which of the secondary frontages recommended in the 2018 study should be included in the Article 4 area (follow the same link as in paragraph 11.3 to view these frontages):

Secondary frontages proposed in Retail and Leisure Study	Include in Article 4 area?	Reason
Marlowes (west side, between Market Square and Combe Street)	No	This part of Marlowes is about 200 metres north of the primary frontage proposed in the Retail and Leisure Study. It does not form part of the essential core of the primary shopping area.
Marlowes (east side, north of Hillfield Road)	No	
Market Square (both sides)	Yes	The Council is keen to see Market Square perform a much stronger role in the town centre than it currently does. The Emerging Local Plan proposes retail led mixed use development including a supermarket or local convenience store and other town centre uses at ground floor level (growth area HH05).
Marlowes (west side, between Bridge Street and Market Square)	Yes	This is a busy area, immediately to the north of the primary shopping frontages proposed in the Retail and Leisure Study. It includes the town centre's bus interchange, which reinforces its position within the essential core of the primary shopping area.
Marlowes (east side, ramped area south of Hillfield Road)	Yes	

Bridge Street (both sides)	Yes	This short street immediately adjoins the primary shopping frontages proposed in the Retail and Leisure Study. It forms part of the essential core of the primary shopping area.
Bank Court (both sides)	No	Although Bank Court adjoins the primary shopping frontages proposed in the Retail and Leisure Study, it contains few shops and pedestrian flows are low.
Riverside Centre (fronting River Gade, north of former Debenhams and Topshop)	No	Although this part of the Riverside Centre adjoins the primary shopping frontages proposed in the Retail and Leisure Study, there is only one shop (TK Maxx, at first floor level). Pedestrian flows were already low before the recent closure of Debenhams and Topshop.

11.6 From the above table, it can be seen that the Council has decided to include only some of the secondary frontages in the Article 4 area. This confirms that the Council has adopted an evidence-based approach taking full account of the guidance in NPPF paragraph 53 in drawing up the boundary for the Article 4 area. A map showing the extent of the Article 4 area can be found in Appendix 3.

APPENDIX 1: DACORUM'S PLANNING POLICIES ON TOWN CENTRES AND RETAIL

Dacorum Core Strategy (September 2013)

http://www.dacorum.gov.uk/docs/default-source/strategic-planning/adopted-core-strategy-2013.pdf?sfvrsn=80753a9e_2

1. Dacorum Core Strategy Policies CS1 (distribution of development) and CS4 (The towns and large villages) include overall guidance on planning for town centre and retail development in the Borough. More detailed guidance is contained in the following policies:
 - CS16 (shops and commerce): the policy commences by stating that “The main retail hierarchy of town centres and local centres (listed in Table 5) will be strengthened by encouraging appropriate new retail development and retaining sufficient existing shops in these centres.” The policy also states that “Hemel Hempstead will be the main destination for comparison goods shopping, leisure, entertainment and civic and cultural activities.” In addition “proposals that promote a diverse evening economy in the town centres will be supported”.
 - CS33 (Hemel Hempstead town centre): The principles guiding uses in the town centre include (a) secure additional retail stores in the Marlowes Shopping Zone and a new food store; and (b) deliver a mix of uses to support the prime retail function.
2. The retail hierarchy (referred to in Policy CS16) classifies Hemel Hempstead town centre (including Hemel Hempstead Old Town) as Dacorum’s only principal town centre. Its principal function is as follows:

“Provides a range shops including many national multiple retailers. Provides a range of services and facilities and is home to a number of businesses.”
3. The town centre vision, which forms the basis for Policy CS33), includes the following:

“The town centre will be a vibrant place where people will want to shop, work, live, learn and visit during the day and evening. Business and commerce are successful. New development has included offices, civic facilities, homes and shops. The Marlowes Shopping Zone is busy.”

Hemel Hempstead Town Centre Masterplan (2013)

[http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-\(low-res\).pdf?sfvrsn=2d11259e_4](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-(low-res).pdf?sfvrsn=2d11259e_4)

4. The masterplan was adopted as a supplementary planning document in September 2013. There is a strategy in the masterplan for each character zone. Section 5.5.1 provides the strategy for the Marlowes Shopping Zone. It is located around the Riverside and Marlowes Shopping Centres, the pedestrianised area and the ramped area, and is referred to as the prime retail pitch of the town centre. The vision for this zone is for:

“A lively, busy, vibrant shopping area in the heart of Hemel Hempstead offering a fresh modern environment in which people will be able to shop, eat, drink and meet in, together with housing and business development opportunities.”

Site Allocations Development Plan Document (July 2017)

http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-site-allocations-statement-june-2017.pdf?sfvrsn=d63a3c9e_10

5. Policy SA7 (shopping areas in town centres) states that:

“Each town centre contains a key shopping area which comprises:

- (a) Primary frontage; and*
- (b) Secondary frontage*

as shown on the Policies Map.

Within the key shopping area, all new development should provide an active frontage at ground floor level, contribute to the vibrancy of the centre and promote the objectives of the relevant Place Strategy.

In Hemel Hempstead town centre, development should comply with Policy CS33 and support the strategy for each character zone set out in the Town Centre Master Plan.

Within primary frontages, the following uses will be permitted at ground floor level:

- (a) A1 (shops);*
- (b) A3 (restaurants and cafes); and*
- (c) D2 (assembly and leisure).*

Within secondary frontages, the following uses will be permitted at ground floor level:

- (a) A1 (shops);*
- (b) A2 (financial and professional services);*
- (c) A3 (restaurants and cafes);*
- (d) A4 (drinking establishments);*
- (e) A5 (hot food takeaways);*
- (f) D1 (non-residential institutions); and*
- (g) D2 (assembly and leisure).”*

Dacorum Local Plan (2020-2038): Emerging Strategy for Growth (November 2020)

https://www.dacorum.gov.uk/docs/default-source/strategic-planning/part-1---local-plan-emerging-strategy-for-growth-2020-2038---pages-1-to-187.pdf?sfvrsn=93bf0c9e_10

6. The Council is preparing a new single Local Plan for Dacorum. The Local Plan Emerging Strategy for Growth consultation document was published in November 2020. In the light of paragraph 48 in the NPPF, only limited weight can be given to the Emerging Strategy, as the new Local Plan is still at an early stage.
7. Aspects of the Emerging Strategy particularly relevant to this justification statement are noted below:

Policy SP2 (spatial strategy for growth)

This draft policy proposes a minimum of 16,596 homes 2020-2038. The primary focus of strategic growth and investment will be at Hemel Hempstead, with a minimum of 10,600 homes in the town. It is also proposed to safeguard land for an additional 4,000 homes at North Hemel Hempstead to meet longer term needs.

Note: In addition to the above, the now withdrawn submitted St Albans Local Plan proposed 5,500 homes at East and North Hemel Hempstead.

Policy SP3 (settlement hierarchy)

Hemel Hempstead is defined as Dacorum's only strategic settlement.

Policy SP6 (Delivering the Retail and Leisure Strategy)

The draft policy states that the Council will support retailing and leisure in various ways, including by:

“a. Fostering the retail and leisure base of Hemel Hempstead, Berkhamsted and Tring, by encouraging main town centre uses of an appropriate scale and nature in the town, district and local centres in accordance with the hierarchy below:”

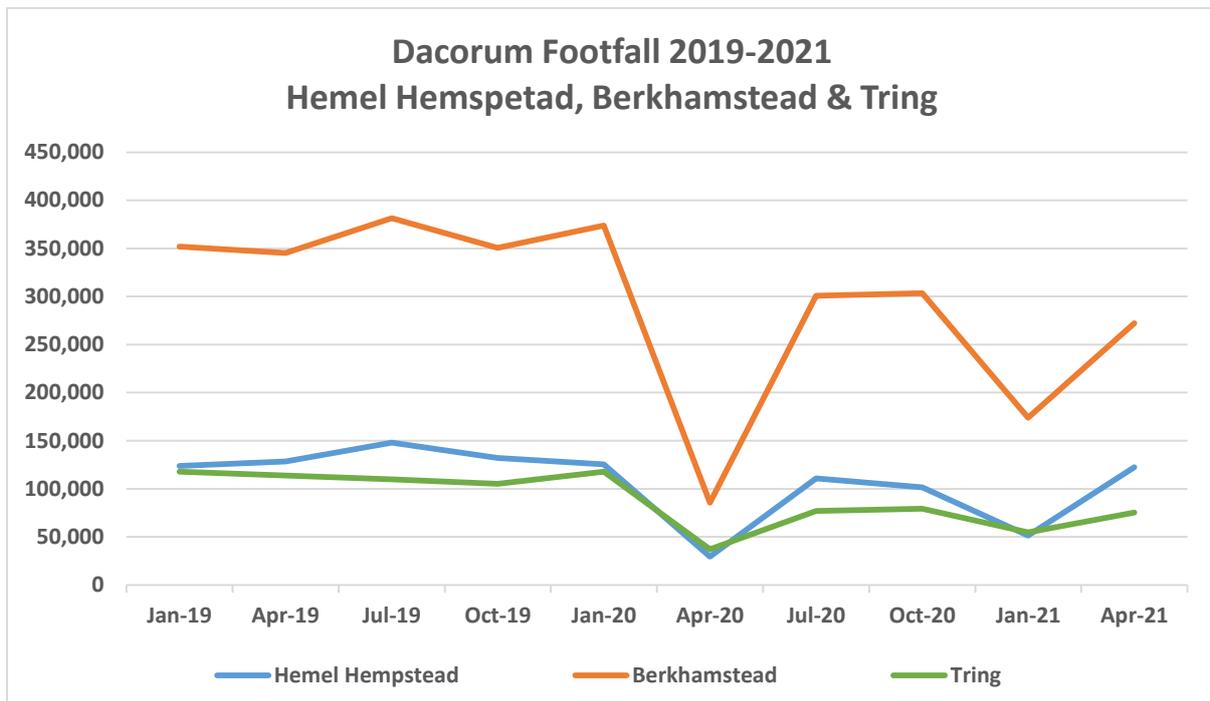
Hemel Hempstead is shown in the hierarchy as Dacorum's only sub-regional centre. The role of the centre is:

“Main destination for comparison and convenience goods shopping, services such as banks, leisure and cultural activities.”

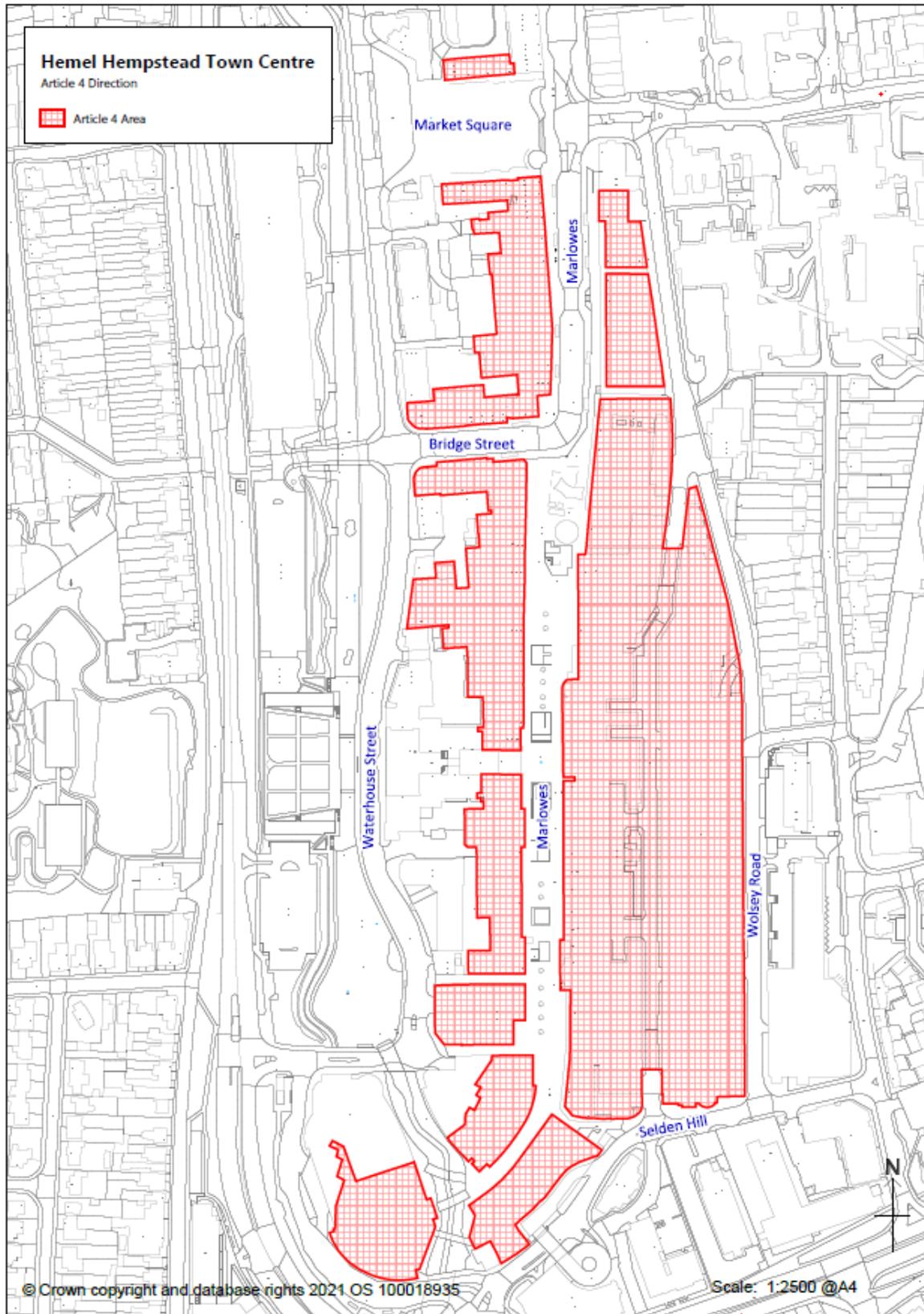
Policy DM19 (Mix of uses in Town, District and Local Centres)

- The draft policy encourages a wide range of 'main town centre uses' in the defined centres and the evening economy will be supported.
- The town centre and primary shopping areas boundaries are shown on the Policies Map:
https://www.dacorum.gov.uk/docs/default-source/strategic-planning/local-plan-emerging-strategy-for-growth-2020-2038-draft-proposals-map.pdf?sfvrsn=5bb0c9e_4
- Retail development will be concentrated mainly in the primary shopping areas.
- Development in the primary shopping areas should provide an active ground floor frontage.
- At ground floor level in primary shopping areas the following uses will be permitted:
 - i. Shops, financial and professional services, cafes and restaurants, gyms, but not other Class E uses.
 - ii. Bars and pubs, hot food takeaways

APPENDIX 2: MONTHLY FOOTFALL DATA



APPENDIX 3: EXTENT OF ARTICLE 4 DIRECTION



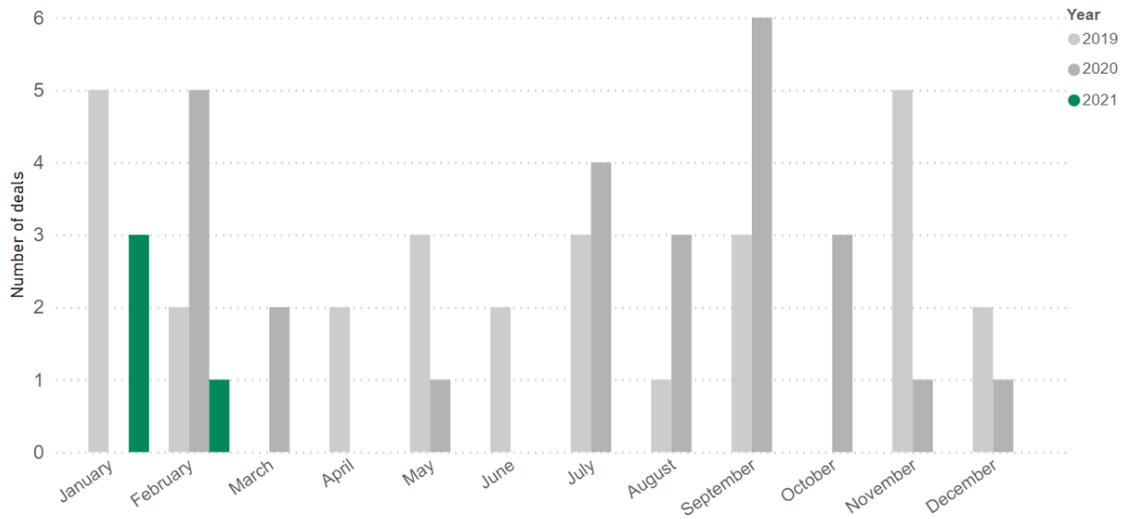
Commercial Leases in Dacorum

Select area:

Select all Berkhamsted **Hemel Hempstead** Tring

Select use:

Select all Industrial **Office** Retail



Source: CoStar, 2021

Commercial property rates and vacancy

Choose number of employees:

0.00 762.00



Is occupied?

False True

Choose rates valuation (GBP):

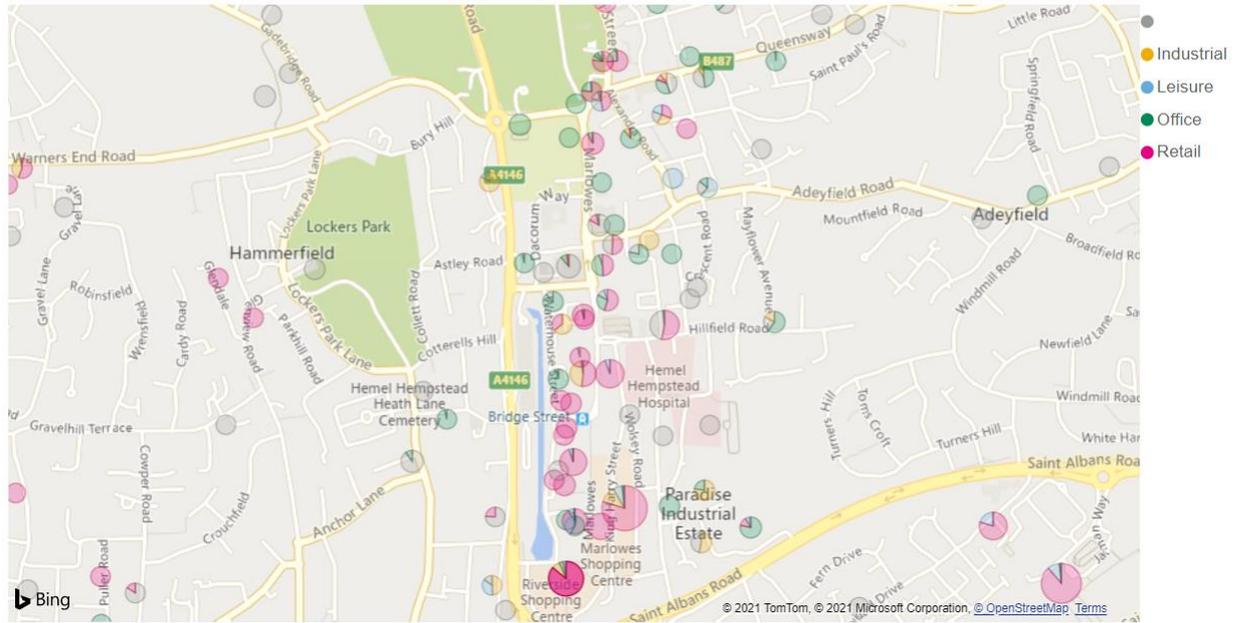
0.00 1,748,880.00



Choose subma

HEMEL HEMF

Detail of commercial property stock



Source: Sqwyre, 2021 Note: Choose a broad sector on the legend to filter

Commercial Leases in Dacorum

Select date range:

1/2/2019

3/1/2021

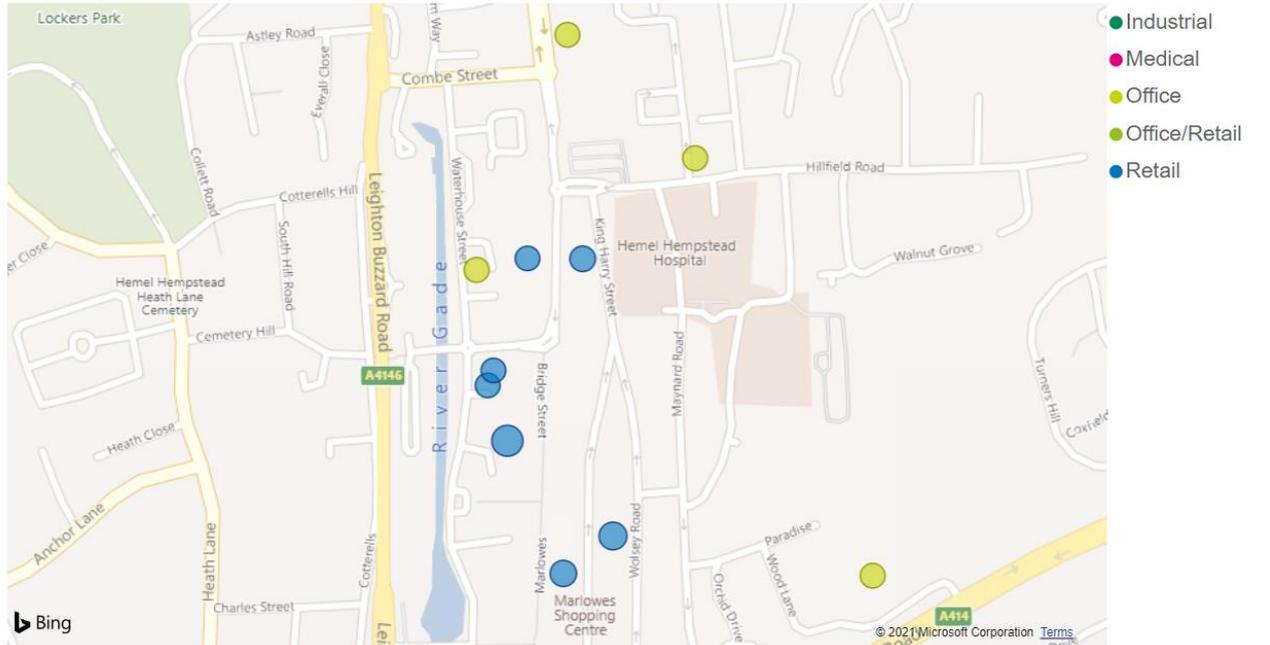
Select annual rent per sq.ft range

£6

£56



Commercial Leases



Source: CoStar, 2021 Note: use your cursor to navigate and zoom the map.

Note: Choose a broad sector on the legend to filter

Registered Companies

Choose subsector:

All

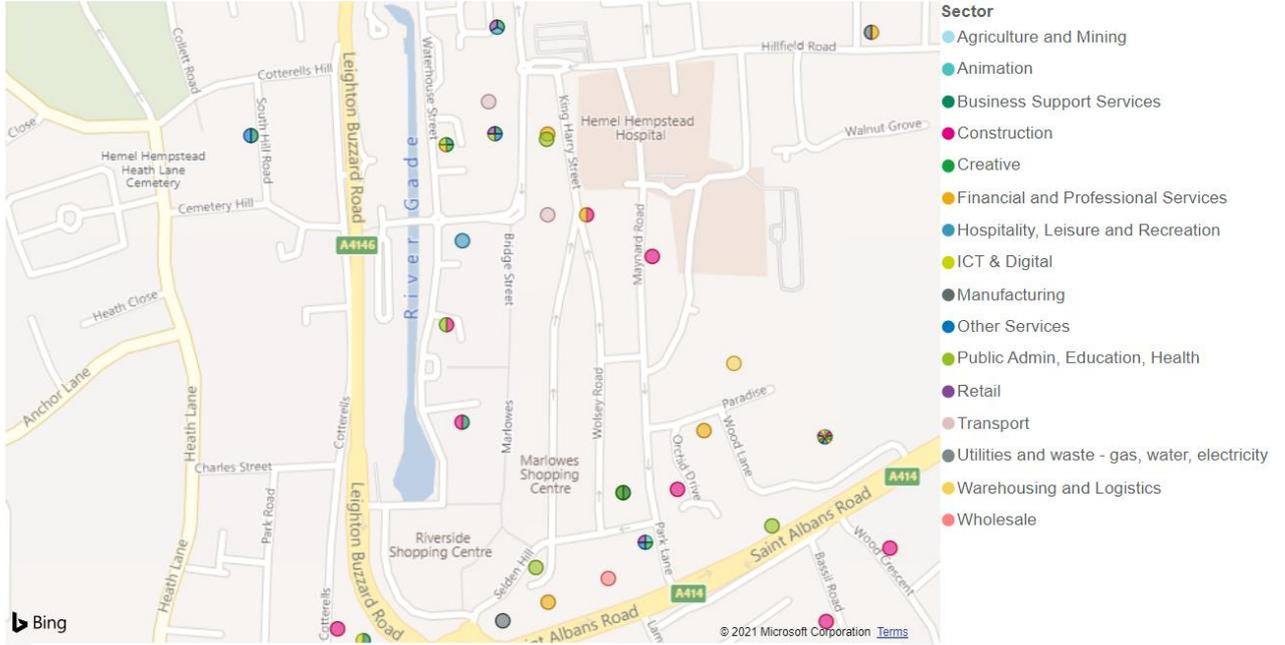
Select incorporation date

10/28/2019 2/27/2021

Choose registered

All

Registered companies



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